

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

FRED WINTERS, )  
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 Plaintiff, )  
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 )  
 v. ) Case No. CIV-11-441-JHP  
 )  
 )  
 MUSKOGEE COUNTY BOARD OF )  
 COUNTY COMMISSIONERS, and )  
 CHARLES PEARSON, in his official )  
 capacity, )  
 )  
 Defendants. )

**ORDER AFFIRMING AND ADOPTING THE REPORT  
AND RECOMMENDATION OF THE UNITED STATES  
MAGISTRATE JUDGE**

On August 12, 2013, the United States Magistrate Judge entered a Report and Recommendation regarding Defendants' Amended Motion to Dismiss (Dkt.# 35). The Magistrate Judge recommends denial of the Defendants' Amended Motion to Dismiss. Plaintiff has not filed an objection to the Magistrate Judge's Report and Recommendation within the time prescribed by law. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(a).

This Court finds that the Report and Recommendation of the Magistrate Judge is supported by the record. Therefore, upon full consideration of the entire record and the issues presented herein, this Court finds and orders that the Report and Recommendation entered by the United States Magistrate Judge on August 12, 2013, be **AFFIRMED** and **ADOPTED** by this Court as its Findings and Order.

IT IS SO ORDERED this 16th day of October, 2013.



James H. Payne  
United States District Judge  
Eastern District of Oklahoma